

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA :</b>	<b>CRIMINAL NO. <u>05-142</u></b>
<b>v.</b>	<b>:     DATE FILED: <u>3/15/2005</u></b>
<b>LAWRENCE WHITEHEAD</b>	<b>:     VIOLATIONS:</b>
<b>MICHAEL DANIELS</b>	<b>:     18 U.S.C. § 371 (conspiracy to make</b>
<b>ANGELA MILES</b>	<b>:     false statements to a federally licensed</b>
	<b>:     firearms dealer - 1 count)</b>
	<b>:     18 U.S.C. § 924(a)(1)(A) (making false</b>
	<b>:     statements to federally licensed</b>
	<b>:     firearms dealer - 3 counts)</b>
	<b>:     18 U.S.C. § 922(g)(1) (possession of</b>
	<b>:     firearm by a convicted felon - 2 counts)</b>
	<b>:     18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:     Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times relevant to this indictment:

1.     Tanner's Sports Center, 2301 York Road, Jamison, Pennsylvania ("Tanner's"), possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.
2.     Defendants LAWRENCE WHITEHEAD and MICHAEL DANIELS were barred from legally purchasing or possessing a firearm because each had previously been convicted of a crime for which he could be punished by more than one year imprisonment.
3.     The rules and regulations governing FFL holders required that a person

seeking to purchase a handgun fill out a Firearms Transaction Record, ATF Form 4473.

4. On ATF Form 4473, question 12.a read as follows:

Are you the actual buyer of the firearm(s) listed on this form? **WARNING - You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you.**

5. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder.

6. From on or about February 21, 2005, to on or about February 22, 2005, in the Eastern District of Pennsylvania, defendants

**LAWRENCE WHITEHEAD,  
MICHAEL DANIELS, and  
ANGELA MILES**

knowingly and intentionally conspired and agreed together and with persons unknown to the grand jury to commit an offense against the United States, that is, to knowingly make false statements with respect to the information required to be kept in the records of a federally licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A).

**MANNER AND MEANS**

It was part of the conspiracy that:

7. Defendant LAWRENCE WHITEHEAD asked defendant ANGELA MILES whether she would buy firearms for defendants WHITEHEAD and MICHAEL DANIELS, and agreed to pay her \$90, of which \$25 would be in the form of crack cocaine.

8. Defendants LAWRENCE WHITEHEAD and MICHAEL DANIELS drove to Tanner's with defendant ANGELA MILES and identified three guns for her to buy for them.

9. Defendant MICHAEL DANIELS supplied the money to buy the guns.

### **OVERT ACTS**

In furtherance of the conspiracy, the following overt acts were committed in the Eastern District of Pennsylvania:

On or about February 21, 2005:

1. Defendant MICHAEL DANIELS drove defendant LAWRENCE WHITEHEAD to the house of defendant ANGELA MILES.
2. Defendant LAWRENCE WHITEHEAD asked defendant ANGELA MILES if she would go with him to a gun store to buy guns.
3. After defendant ANGELA MILES agreed, defendant LAWRENCE WHITEHEAD gave her a \$10 bag of crack cocaine as partial payment for her services, which she smoked before leaving the house.
4. Defendant MICHAEL DANIELS drove defendants LAWRENCE WHITEHEAD and ANGELA MILES to Tanner's.
5. Inside Tanner's, defendants LAWRENCE WHITEHEAD and MICHAEL DANIELS decided which three guns to buy.
6. At the direction of defendants LAWRENCE WHITEHEAD and MICHAEL DANIELS, defendant ANGELA MILES filled out an ATF form 4473 on which she answered "yes" to question 12a, falsely stating that she was purchasing the guns for herself, when she was purchasing them for defendants WHITEHEAD and DANIELS.
7. Defendants LAWRENCE WHITEHEAD, MICHAEL DANIELS, and ANGELA MILES left Tanner's after a Tanner's employee told defendant MILES that she could

not buy the guns that day due to a schedule outage of the Pennsylvania Instant Check System (PICS), and that she should return the next day.

8. Outside the gun store, defendant MICHAEL DANIELS said he liked the Glock and the .38, that those were the guns he was getting, and that he had buyers for them.

9. Defendants LAWRENCE WHITEHEAD, MICHAEL DANIELS, and ANGELA MILES drove to another FFL holder, C & C Sports Center, Philadelphia, Pennsylvania, to see whether defendant MILES could purchase guns there, but defendant MILES was told she could not do so because the PICS system was not operating.

10. Defendant LAWRENCE WHITEHEAD called Tanner's several times to see whether they could return and purchase the guns.

11. After being told by a Tanner's employee that they could not purchase the guns that day, defendants LAWRENCE WHITEHEAD and MICHAEL DANIELS drove defendant ANGELA MILES home.

12. Later that night, defendant ANGELA MILES found defendant LAWRENCE WHITEHEAD at a bar and asked defendant WHITEHEAD for a second \$10 bag of crack cocaine that he had promised her as payment for agreeing to buy guns for him and defendant MICHAEL DANIELS, and defendant WHITEHEAD gave her the second bag of crack cocaine.

On or about February 22, 2005:

13. Defendants MICHAEL DANIELS and LAWRENCE WHITEHEAD picked up defendant ANGELA MILES at her house.

14. As they drove to Tanner's, defendant LAWRENCE WHITEHEAD handed

defendant ANGELA MILES cash, which defendant WHITEHEAD had received from defendant MICHAEL DANIELS, to pay the \$886 cost of the guns.

15. Defendant ANGELA MILES paid a Tanner's employee \$886.02 cash for two guns for defendant MICHAEL DANIELS (a Glock, Model G19, nine millimeter pistol, serial number GXR097; and a FEG/KBI, Model PMK-380, .380 caliber pistol, serial number N10081) and one gun for defendant LAWRENCE WHITEHEAD (a Rossi, Model M720, .44 special revolver, serial number AB116394).

16. Defendant LAWRENCE WHITEHEAD carried the three guns from Tanner's to the car.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs One through Five of Count One are incorporated here.
2. On or about February 21, 2005, in the Eastern District of Pennsylvania, defendants

**LAWRENCE WHITEHEAD,  
MICHAEL DANIELS, and  
ANGELA MILES,**

in connection with the acquisition of a Glock, Model G19, nine millimeter pistol, serial number GXR097; a FEG/KBI, Model PMK-380, .380 caliber pistol, serial number N10081; and a Rossi, Model M720, .44 special revolver, serial number AB116394 from Tanner's, knowingly made, and aided and abetted and willfully caused the making of, false statements and representations with respect to information required by the provisions of Title 18, United States Code, Chapter 44 to be kept in the FFL holder's records, in that defendant MILES, while in the presence of defendants WHITEHEAD and DANIELS, certified on the Firearms Transaction Record, ATF Form 4473, that she was the actual buyer of the firearms, when in fact, as the defendants knew, this statement was false and fictitious.

In violation of Title 18, United States Code, Sections 924 (a)(1)(A) and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 22, 2005, in the Eastern District of Pennsylvania, defendant

**LAWRENCE WHITEHEAD,**

having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Glock, Model G19, nine millimeter pistol, serial number GXR097; a FEG/KBI, Model PMK-380, .380 caliber pistol, serial number N10081; and a Rossi, Model M720, .44 special revolver, serial number AB116394.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 22, 2005, in the Eastern District of Pennsylvania, defendant

**MICHAEL DANIELS,**

having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Glock, Model G19, nine millimeter pistol, serial number GXR097; a FEG/KBI, Model PMK-380, .380 caliber pistol, serial number N10081; and a Rossi, Model M720, .44 special revolver, serial number AB116394.

In violation of Title 18, United States Code, Section 922(g)(1).



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**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922(g)(1), set forth in this indictment, the defendants

**LAWRENCE WHITEHEAD,  
MICHAEL DANIELS, and  
ANGELA MILES,**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of such offenses, including, but not limited to:

- one Glock, Model G19, nine millimeter pistol, serial number GXR097;
- one FEG/KBI, Model PMK-380, .380 caliber pistol, serial number N10081;
- one Rossi, Model M720, .44 special revolver, serial number AB116394; and
- 109 cartridges of Winchester-Western nine millimeter ammunition; and
- 20 cartridges of Winchester-Western .44 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
United States Attorney